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9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

11 DOUGLAS J. SITTLER,

12 Plaintiff,

13 vs.

14 MICHAEL J. ASTRUE, Commissioner of the  
Social Security Administration,

15 Defendant.

Civil No. 3:11-cv-05137-RBL-JRC

REPORT AND RECOMMENDATION ON  
STIPULATED MOTION FOR REMAND

16 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28  
17 U.S.C. § 636(b)(1)(B) and Local Magistrate Judge Rule MJR 4(a)(4), and as authorized by  
18 Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court  
19 on defendant's stipulated motion to remand the matter to the administration for further  
20 consideration (ECF No. 21).

21 After reviewing the stipulated motion and the remaining record, the undersigned  
22 recommends that the Court grant defendant's motion, and reverse and remand this matter to the  
23 Commissioner pursuant to sentence four of 42 U.S.C. §405(g).  
24

1 On remand, an administrative law judge (hereinafter "the ALJ") should hold a *de novo*  
2 hearing and plaintiff should be allowed to raise any issue and submit additional evidence and  
3 arguments to the ALJ. This Court recommends that the ALJ take any other actions necessary to  
4 develop the record.

5 On remand, the ALJ should further evaluate the opinions of record and explain  
6 the weight given; reevaluate credibility, including any lay evidence; obtain  
7 evidence from a medical expert, who is a board certified psychiatrist, to clarify  
8 the nature and severity of plaintiff's mental impairments and to what extent, if  
9 any, drug and/or alcohol addiction is a material factor in the existence or severity  
10 of those impairments; and, reevaluate the residual functional capacity finding. If  
warranted, the ALJ should obtain supplemental evidence from a vocational expert  
in order to identify appropriate jobs in the national economy based on assessed  
limitations and resolve any conflicts between the occupational evidence provided  
by the vocational expert and information in the Dictionary of Occupational Titles.


11 New medical evidence, if available, shall be considered on remand.

12 Following proper presentation, this Court should consider plaintiff's application for costs  
13 and attorney fees under 28 U.S.C. § 2412(d).

14 Based on the relevant record and the parties' stipulation, the undersigned recommends  
15 that the Court immediately grant defendant's motion and **REVERSE** the Commissioner's  
16 decision pursuant to sentence four of 42 U.S.C. §405(g), with a **REMAND** of the cause to the  
17 Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

18 This Court recommends that JUDGMENT should be entered for plaintiff and that this  
19 case be closed.

20 DATED this 11th day of July, 2011.

21 

22 J. Richard Creatura  
23 United States Magistrate Judge  
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